

Remarks and Arguments

Claims 1-39 have been presented for examination. Claims 1, 6, 7, 13, 17, 22, 23, 29, 33, 38 and 39 have been amended. Claims 4, 5, 20, 21, 36 and 37 have been canceled. New claims 40-47 have been added. Applicant's attorney thanks the examiner for his time during a telephone interview conducted on January 27, 2005. The substance of that interview is discussed below.

The abstract of the disclosure has been objected to for containing more than the allowed 150 words. In response, the abstract has been rewritten to shorten it to the required maximum length.

Claims 1-32 have been rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. During the aforementioned telephone interview, this rejection was discussed. The examiner indicated that the claims had been rejected because they did not include any tangible computer or network references and merely recited a disembodied database or steps concerning the manipulation of a database that was not recited as being connected to a computer system or network. Consequently, the examiner asserted that the claims could be read on mental steps or the use of pencil and paper.

In response, the claims have been amended to explicitly recite a computer system and network are used to implement the invention. Claim 1 is exemplary. It now recites "A method for managing workplace services ... by means of a computer system operating over a network ... comprising ... creating a database in a computer system connected to the network ... connecting the workplace resources office to the computer system and the database via the network in order to store the background information for each user and the organization obtained by the workplace resources office in the database ... establishing a communication session between one of the plurality of users and a specialist ... the specialist uses the received identifying information to access and retrieve user background information for that user from the database via the network, which information was previously stored ... and storing in the database over the network information concerning each communication session ..." "

It is clear from amended claim 1 that the database is created in the memory of a computer system and that this database is accessed by the workplace resources office

to store data therein via the network and accessed by the specialist, via the network, to retrieve data previously stored therein. Consequently, it is believed that amended claim 1 recites a method that is within the technological arts as required by 35 U.S.C. §101. Accordingly, this rejection is hereby traversed.

Independent claims 17, 33 and 39 have been amended in a similar fashion and, accordingly, the rejection of these claims under 35 U.S.C. §101 is also hereby traversed. The remaining dependent claims 2-16, 18-32 and 34-38 are dependent upon one of the independent claims and incorporate the limitations thereof. Accordingly, they satisfy the requirements of 35 U.S.C. §101 in the same manner as the independent claims and the rejection of these claims under 35 U.S.C. §101 is also hereby traversed.

Claims 1-39 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,884,032 (Bateman.) This rejection and the differences between the claimed invention and the reference were also discussed in the aforementioned telephone interview. These differences are discussed below.

The present invention relates to a method and system for providing workplace services and products to an organization, which does not have these products and services available internally, on a cost effective basis. In order to provide these services, a workplace resources office works with the organization and a small group of specialists to provide live advice on specific questions that the members of the organization might have based on the experience and professional qualifications of the specialists. The workplace resources office and the specialists are linked by a network to which a computer system incorporating a database is connected. To start the process, an initial contact is made by the workplace resources office to the organization to gather background information on the organization contacts and the organization. Since the workplace resources office works with the specialists, this background information can be tailored to the information that will later be needed by the specialist to answer specific questions posed by contacts in the organization. The database is then initially populated with this background information by the workplace resources office over the network.

Later, when a situation arises that requires an answer to a specific workplace question, a contact in the organization places a telephone call to a specialist. The

specialist accesses the database over the network and uses the pre-entered client-specific information, information provided by the contact over the telephone and his or her experience and professional qualifications to provide specific live advice to the specific question raised by the contact. The call, the response and categories assigned to the response by the specialist are then stored in the database. Later, a query can be made against the database and information relating to the questions in the categories can be provided to the organization. In response, the organization may change policies to help reduce the questions.

The claimed system is the foundation of a successful business that has provided both human resource support and legal support to insurance companies and other organizations. It has also been used successfully to provide other types of help. For example, the system has been used to provide help from experienced leaders, acting as specialists, to inexperienced leaders in organizations, such as the Girl Scouts®.

As noted by the examiner in the office communication, the Bateman reference discloses a traditional call center system run by an organization. The emphasis in these systems is on self-service as noted in the Bateman abstract. A customer generally calls the call center and is greeted by an automated system which attempts to answer any questions that the customer might have. According to Bateman, if this automated response does not satisfy the customer, then the customer can request to be referred to a "live" person. The call is queued and a live operator is selected via an automatic call distributor (ACD) that makes a return call to the customer. The customer's telephone number is used to access a database and retrieve customer records. The operator can view any web pages that the customer might have been viewing when the help request is made. The examiner asserts that Bateman discloses retrieving detailed customer information from the database, however, Bateman does not explicitly disclose what information is retrieved. It is believed that these records are related to the web pages being viewed by the customer so that these pages can be displayed during the subsequent conversation. The examiner further asserts that Bateman discloses storing information concerning each communication session by the specialist in a database, pointing to the ACD and CTI function disclosed in Bateman. However, the ACD and CTI capabilities disclosed in Bateman relate to establishing the connections between

the customer and the call center and do not relate to storing session information in a database, although CRM systems exist which do store information regarding each customer contact in a database for later reference during subsequent communications from the same customer.

Bateman and the other CRM systems are used by an organization to manage its contacts and relationships with actual or prospective customers, not to provide live professional advice to employees or other contacts in the organization. What the Bateman system and other CRM systems lack is a mechanism for populating a database that can be accessed by a specialist before the specialist receives specific questions from client contacts. In the inventive system, the client contacts are part of an organization. The contacts may be employed by the organization or they may be members of a group. A workplace resources office works with the organization to provide the workplace products and services. The workplace resources office may be part of the organization or it may be a separate entity that contracts with the organization to provide the services. In either case, the workplace resources office contacts the organization and its contacts and gathers information that will be of use later when specific questions are raised. This information is then stored in the database for later use by the specialist.

In the Bateman system and in the various CRM systems cited by the examiner, there is no mechanism for populating the database prior to a customer call. For the initial call, the customers are, in effect, conducting a "cold" call. In the Bateman system, the customer can fill in an HTML page with information prior to the call being connected to the call center. However, as disclosed, this information consists of the customer's telephone number and the web pages that the customer wants to discuss. Other CRMs system may have the customer enter additional information into a preliminary form prior to initiating a communication with a live person. Still other systems would allow the live person to query the customer for information.

The problem with these systems is that a customer with a specific question may not know the information that is required to answer that question or may not have access to that information (the information may only be accessible to selected people in the organization.) Thus, the customer cannot provide the information that is required,

and, consequently, the specialist cannot provide the required answer. The customer then becomes frustrated.

The examiner argues that there are many CRM systems that can do many things. Applicant is not arguing that any one piece of the system is new, rather that the combination, as claimed, is new and unobvious. In particular, claim 1 recites, in lines , “upon a request from the organization, using a workplace resources office to contact the plurality of users and to obtain background information for the plurality of users and the organization … creating a database in the computer system memory … connecting the workplace resources office to the computer system and the database via the network in order to store the background information for the plurality of users and the organization obtained by the workplace resources office in the database …” None of the cited references disclose or suggest pre-populating the database in this manner. consequently, neither they nor their combination can teach or suggest this method. Therefore claim 1 patentably distinguishes over the references.

Claims 2-16 are dependent upon, either directly or indirectly, on amended claim 1 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 1. In addition, these claims contain additional limitations not taught or suggested by the cited references. For example, claim 9 recites that a website is used to obtain background information from the users. none of the references cited discuss obtaining background information in this fashion. Consequently, claim 9 also patentably distinguishes over the cited references. Similarly, claim 13 recites that a query is performed on the data contained to the database and the resulting report is provided to the organization thereby providing feedback to the organization so that the organization can proactively change policies in order to avoid the questions that requires help ion the first place. None of the cited reference suggest such a feedback arrangement. Consequently, claim 13 patentably distinguishes over the cited references. Further claim 16 recites that a web site is generated which incorporates issue information obtained in the database. This provides another feedback mechanism that is not shown or suggested by the cited references. Consequently, claim 16 distinguishes over the cited references.

Claims 17, 33 and 39 have been amended in the same manner as amended claim 1. Consequently, these claims distinguish over the references in the same manner as amended claim 1. Claims 18-32 are dependent upon, either directly or indirectly, on amended claim 17 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 17. Claims 25, 29 and 32 contain limitations that parallel those in claims 9, 13 and 16 and also distinguish over the cited references in the same manner as those later claims.

Claims 34-38 are dependent upon, either directly or indirectly, on amended claim 33 and incorporate the limitations thereof. Therefore, they also distinguish over the cited references in the same manner as amended claim 33.

New dependent claims 40-47 have been added in order to specify that the workplace resources office and the specialists may not be part of the organization. See, for example, Figure 1 of the instant specification.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the Examiner has any further questions regarding this amendment, he is invited to call Applicants' attorney at the number listed below. The Examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. 1.17, 1.16 to Deposit Account number 02-3038.

Respectfully submitted



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Date: 3/21/05